

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

[Editor's Note: Changes to text in AQ246FS are shown in SMALL CAPS. These changes supersede text in AQ246FS.]

**Chapter 5. Permit Procedures**

**§504. Nonattainment New Source Review Procedures**

A. - D. **9.a.iii** ... [See AQ246FS]

b. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Subparagraph D.9.a of this Section to the administrative authority.  
~~NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED TO REQUIRE THE OWNER OR OPERATOR OF SUCH A UNIT TO OBTAIN ANY DETERMINATION FROM THE ADMINISTRATIVE AUTHORITY BEFORE BEGINNING ACTUAL CONSTRUCTION.~~

**9.c. - 10.** ... [See AQ246FS]

**11.** FOR A PROJECTS ORIGINALLY DETERMINED NOT TO RESULT IN A SIGNIFICANT NET EMISSIONS INCREASE, IF AN OWNER OR OPERATOR SUBSEQUENTLY REEVALUATES PROJECTED ACTUAL EMISSIONS AND DETERMINES THAT A THE PROJECT HAS RESULTED OR WILL NOW RESULT IN A SIGNIFICANT NET EMISSIONS INCREASE, THE OWNER OR OPERATOR MUST EITHER:

A. REQUEST THAT THE ADMINISTRATIVE AUTHORITY LIMIT THE POTENTIAL TO EMIT OF THE AFFECTED EMISSIONS UNITS (INCLUDING THOSE USED IN NETTING) AS APPROPRIATE VIA FEDERALLY ENFORCEABLE CONDITIONS SUCH THAT A SIGNIFICANT NET EMISSIONS INCREASE WILL NO LONGER RESULT; OR

B. SUBMIT A REVISED PERMIT APPLICATION WITHIN 180 DAYS REQUESTING THAT THE ORIGINAL PROJECT BE DEEMED A MAJOR MODIFICATION.

E. - J.3.a. ... [See AQ246FS]

b. calculations of the baseline actual emissions with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also AUTHORIZED emissions associated with startup, AND shutdown, and malfunction;

**3.c. - 7.c.** ... [See AQ246FS]

d. a requirement that emission calculations for compliance purposes include emissions associated with startup, AND shutdown, and malfunction;

**7.e. - 15.b.** ... [See AQ246FS]

~~G.K.~~ Definitions. The terms in this Section are used as defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

\* \* \*

[See AQ246FS]

Baseline Actual Emissions—the rate of emissions, in tons per year, of a regulated pollutant, determined as follows.

a. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and AUTHORIZED emissions associated with startups, ~~AND~~ shutdowns, and malfunctions.

a.ii. - b. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and AUTHORIZED emissions associated with startups, ~~AND~~ shutdowns, and malfunctions.

b.ii. - d. ... [See AQ246FS]

\* \* \*

[See AQ246FS]

CLEAN COAL TECHNOLOGY—~~ANY TECHNOLOGY, INCLUDING TECHNOLOGIES APPLIED AT THE PRECOMBUSTION, COMBUSTION, OR POST COMBUSTION STAGE, AT A NEW OR EXISTING FACILITY THAT WILL ACHIEVE SIGNIFICANT REDUCTIONS IN AIR EMISSIONS OF SULFUR DIOXIDE OR OXIDES OF NITROGEN ASSOCIATED WITH THE UTILIZATION OF COAL IN THE GENERATION OF ELECTRICITY, OR PROCESS STEAM, WHICH WAS NOT IN WIDESPREAD USE AS OF NOVEMBER 15, 1990. REPEALED FROM AQ246FS.~~

CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT—~~A PROJECT USING FUNDS APPROPRIATED UNDER THE HEADING “DEPARTMENT OF ENERGY CLEAN COAL TECHNOLOGY,” UP TO A TOTAL AMOUNT OF \$2,500,000,000 FOR COMMERCIAL DEMONSTRATION OF CLEAN COAL TECHNOLOGY, OR SIMILAR PROJECTS FUNDED THROUGH APPROPRIATIONS FOR THE ENVIRONMENTAL PROTECTION AGENCY. THE FEDERAL CONTRIBUTION FOR A QUALIFYING PROJECT SHALL BE AT LEAST 20 PERCENT OF THE TOTAL COST OF THE DEMONSTRATION PROJECT. REPEALED FROM AQ246FS.~~

\* \* \*

[See AQ246FS]

*Major Modification*—

a. - c.vii. ... [See AQ246FS]

viii. ~~REPEALED FROM AQ246FS. the addition, replacement, or use of a PCP, as defined in this Subsection, at an existing emissions unit meeting the requirements of Subsection I of this Section. A replacement control technology must provide more effective emissions control than that of the replaced control technology to qualify for this exclusion;~~

~~IX. THE INSTALLATION, OPERATION, CESSATION, OR REMOVAL OF A TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT, PROVIDED THAT THE PROJECT COMPLIES WITH:~~

~~(A). THE STATE IMPLEMENTATION PLAN FOR THE STATE IN WHICH THE PROJECT IS LOCATED; AND~~

~~(B). OTHER REQUIREMENTS NECESSARY TO ATTAIN AND MAINTAIN THE NATIONAL AMBIENT AIR QUALITY STANDARD DURING THE PROJECT AND AFTER IT IS TERMINATED.~~

d. ... [See AQ246FS]

\* \* \*

[See AQ246FS]

**MALFUNCTIONS—FOR PURPOSES OF THIS SECTION, MALFUNCTIONS SHALL INCLUDE ANY SUCH EMISSIONS AUTHORIZED BY PERMIT, VARIANCE, OR THE ON-LINE OPERATING ADJUSTMENT PROVISIONS OF LAC 33:III.1507.B AND 2307.C.2, BUT EXCLUDE ANY EMISSIONS THAT ARE NOT COMPLIANT WITH FEDERAL OR STATE STANDARDS.**

\* \* \*

[See AQ246FS]

*Projected Actual Emissions* —the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source. In determining the *projected actual emissions* before beginning actual construction, the owner or operator of the major stationary source:

a. ... [See AQ246FS]

b. ... shall include fugitive emissions to the extent quantifiable, and AUTHORIZED emissions associated with startups, AND shutdowns, and malfunctions; and

c. - d. ... [See AQ246FS]

\* \* \*

[See AQ246FS]

~~TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT~~—A CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT THAT IS OPERATED FOR A PERIOD OF FIVE YEARS OR LESS, AND THAT COMPLIES WITH THE STATE IMPLEMENTATION PLAN FOR THE STATE IN WHICH THE PROJECT IS LOCATED AND OTHER REQUIREMENTS NECESSARY TO ATTAIN AND MAINTAIN THE NATIONAL AMBIENT AIR QUALITY STANDARDS DURING THE PROJECT AND AFTER IT IS TERMINATED. REPEALED FROM AQ246FS.

\* \* \*

[See AQ246FS]

L. ... [See AQ246FS]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 31:\*\*, \*\* (December 2005).

## §509. Prevention of Significant Deterioration

A. - A.6 ... [See AQ246FS]

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

\* \* \*

[See AQ246FS]

Baseline Actual Emissions—the rate of emissions, in tons per year, of a regulated NSR pollutant, determined as follows.

a. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and AUTHORIZED emissions associated with startups, AND shutdowns, and malfunctions.

a.ii. - b. ... [See AQ246FS]

i. The average rate shall include fugitive emissions to the extent quantifiable, and AUTHORIZED emissions associated with startups, AND shutdowns, and malfunctions.

b.ii. - d. ... [See AQ246FS]

\* \* \*

[See AQ246FS]

CLEAN COAL TECHNOLOGY—~~ANY TECHNOLOGY, INCLUDING TECHNOLOGIES APPLIED AT THE PRECOMBUSTION, COMBUSTION, OR POST COMBUSTION STAGE, AT A NEW OR EXISTING FACILITY THAT WILL ACHIEVE SIGNIFICANT REDUCTIONS IN AIR EMISSIONS OF SULFUR DIOXIDE OR OXIDES OF NITROGEN ASSOCIATED WITH THE UTILIZATION OF COAL IN THE GENERATION OF ELECTRICITY, OR PROCESS STEAM, WHICH WAS NOT IN WIDESPREAD USE AS OF NOVEMBER 15, 1990. REPEALED FROM AQ246FS.~~

CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT—~~A PROJECT USING FUNDS APPROPRIATED UNDER THE HEADING “DEPARTMENT OF ENERGY CLEAN COAL TECHNOLOGY,” UP TO A TOTAL AMOUNT OF \$2,500,000,000 FOR COMMERCIAL DEMONSTRATION OF CLEAN COAL TECHNOLOGY, OR SIMILAR PROJECTS FUNDED THROUGH APPROPRIATIONS FOR THE~~

ENVIRONMENTAL PROTECTION AGENCY. THE FEDERAL CONTRIBUTION FOR A QUALIFYING PROJECT SHALL BE AT LEAST 20 PERCENT OF THE TOTAL COST OF THE DEMONSTRATION PROJECT. REPEALED FROM AQ246FS.

\* \* \*

[See AQ246FS]

*Major Modification—*

a. - c.vii. ... [See AQ246FS]

viii. REPEALED FROM AQ246FS.—the addition, replacement, or use of a *pollution control project*, as defined in this Subsection, at an existing emissions unit meeting the requirements of Subsection Z of this Section. A replacement control technology must provide more effective emission control than that of the replaced control technology to qualify for this exclusion;.

IX. ~~THE INSTALLATION, OPERATION, CESSATION, OR REMOVAL OF A TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT, PROVIDED THAT THE PROJECT COMPLIES WITH:~~

(A). ~~THE STATE IMPLEMENTATION PLAN FOR THE STATE IN WHICH THE PROJECT IS LOCATED; AND~~

(B). ~~OTHER REQUIREMENTS NECESSARY TO ATTAIN AND MAINTAIN THE NATIONAL AMBIENT AIR QUALITY STANDARDS DURING THE PROJECT AND AFTER IT IS TERMINATED;~~

X. ~~THE INSTALLATION OR OPERATION OF A PERMANENT CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT THAT CONSTITUTES REPOWERING, PROVIDED THAT THE PROJECT DOES NOT RESULT IN AN INCREASE IN THE POTENTIAL TO EMIT OF ANY REGULATED POLLUTANT EMITTED BY THE UNIT. THIS EXEMPTION SHALL APPLY ON A POLLUTANT BY POLLUTANT BASIS;~~

XI. ~~THE REACTIVATION OF A VERY CLEAN COAL FIRED ELECTRIC UTILITY STEAM GENERATING UNIT.~~

d. ... [See AQ246FS]

\* \* \*

[See AQ246FS]

MALFUNCTIONS—FOR PURPOSES OF THIS SECTION, MALFUNCTIONS SHALL INCLUDE ANY SUCH EMISSIONS AUTHORIZED BY PERMIT, VARIANCE, OR THE ON-LINE OPERATING ADJUSTMENT PROVISIONS OF LAC 33:III.1507.B AND 2307.C.2, BUT EXCLUDE ANY EMISSIONS THAT ARE NOT COMPLIANT WITH FEDERAL OR STATE STANDARDS.

\* \* \*

[See AQ246FS]

*Projected Actual Emissions*—the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the

major stationary source. In determining the *projected actual emissions* before beginning actual construction, the owner or operator of the major stationary source:

a. ... [See AQ246FS]

b. shall include fugitive emissions to the extent quantifiable, and  
AUTHORIZED emissions associated with startups, AND shutdowns, and malfunctions; and

c. - d. ... [See AQ246FS]

REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT—ANY PHYSICAL CHANGE OR CHANGE IN THE METHOD OF OPERATION ASSOCIATED WITH THE COMMENCEMENT OF COMMERCIAL OPERATIONS BY A COAL-FIRED UTILITY UNIT AFTER A PERIOD OF DISCONTINUED OPERATION, WHERE THE UNIT:

A. HAS NOT BEEN IN OPERATION FOR THE TWO-YEAR PERIOD PRIOR TO THE ENACTMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1990, AND THE EMISSIONS FROM SUCH UNIT CONTINUE TO BE CARRIED IN THE ADMINISTRATIVE AUTHORITY'S EMISSIONS INVENTORY AT THE TIME OF ENACTMENT;

B. WAS EQUIPPED PRIOR TO SHUT-DOWN WITH A CONTINUOUS SYSTEM OF EMISSIONS CONTROL THAT ACHIEVES A REMOVAL EFFICIENCY FOR SULFUR DIOXIDE OF NO LESS THAN 85 PERCENT AND A REMOVAL EFFICIENCY FOR PARTICULATES OF NO LESS THAN 98 PERCENT;

C. IS EQUIPPED WITH LOW-NO<sub>x</sub> BURNERS PRIOR TO THE TIME OF COMMENCEMENT OF OPERATIONS FOLLOWING REACTIVATION; AND

D. IS OTHERWISE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CLEAN AIR ACT. REPEALED FROM AQ246FS.

\* \* \*

[See AQ246FS]

REPOWERING—REPLACEMENT OF AN EXISTING COAL FIRED BOILER WITH ONE OF THE FOLLOWING CLEAN COAL TECHNOLOGIES: ATMOSPHERIC OR PRESSURIZED FLUIDIZED BED COMBUSTION, INTEGRATED GASIFICATION COMBINED CYCLE, MAGNETOHYDRODYNAMICS, DIRECT AND INDIRECT COAL FIRED TURBINES, INTEGRATED GASIFICATION FUEL CELLS, OR AS DETERMINED BY THE ADMINISTRATIVE AUTHORITY, IN CONSULTATION WITH THE SECRETARY OF ENERGY, A DERIVATIVE OF ONE OR MORE OF THESE TECHNOLOGIES, AND ANY OTHER TECHNOLOGY CAPABLE OF CONTROLLING MULTIPLE COMBUSTION EMISSIONS SIMULTANEOUSLY WITH IMPROVED BOILER OR GENERATION EFFICIENCY AND WITH SIGNIFICANTLY GREATER WASTE REDUCTION RELATIVE TO THE PERFORMANCE OF TECHNOLOGY IN WIDESPREAD COMMERCIAL USE AS OF NOVEMBER 15, 1990.

A. REPOWERING SHALL ALSO INCLUDE ANY OIL AND/OR GAS FIRED UNIT THAT HAS BEEN AWARDED CLEAN COAL TECHNOLOGY DEMONSTRATION FUNDING AS OF JANUARY 1, 1991, BY THE DEPARTMENT OF ENERGY.

B. THE ADMINISTRATIVE AUTHORITY SHALL GIVE EXPEDITED CONSIDERATION TO PERMIT APPLICATIONS FOR ANY SOURCE THAT SATISFIES THE REQUIREMENTS OF THIS DEFINITION AND IS GRANTED AN EXTENSION UNDER SECTION 409 OF THE CLEAN AIR ACT. REPEALED FROM AQ246FS.

\* \* \*

[See AQ246FS]

TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT—A CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT THAT IS OPERATED FOR A PERIOD OF FIVE YEARS OR LESS, AND THAT COMPLIES WITH THE STATE IMPLEMENTATION PLAN FOR THE STATE IN WHICH THE PROJECT IS LOCATED AND OTHER REQUIREMENTS NECESSARY TO ATTAIN AND MAINTAIN THE

~~NATIONAL AMBIENT AIR QUALITY STANDARDS DURING THE PROJECT AND AFTER IT IS TERMINATED. REPEALED FROM AQ246FS.~~

C. - R. ~~6.a.iii.~~ ... [See AQ246FS]

~~b. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Subparagraph R.6.a of this Section to the administrative authority. NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED TO REQUIRE THE OWNER OR OPERATOR OF SUCH A UNIT TO OBTAIN ANY DETERMINATION FROM THE ADMINISTRATIVE AUTHORITY BEFORE BEGINNING ACTUAL CONSTRUCTION.~~

~~6.c. - 7. ... [See AQ246FS]~~

~~8. THE REQUIREMENTS OF SUBSECTIONS J-R OF THIS SECTION SHALL APPLY AS IF CONSTRUCTION HAS NOT YET COMMENCED AT ANY TIME THAT A PROJECT IS DETERMINED TO BE A MAJOR MODIFICATION BASED ON ANY CREDIBLE EVIDENCE, INCLUDING BUT NOT LIMITED TO, EMISSIONS DATA PRODUCED AFTER THE PROJECT IS COMPLETED. IN ANY SUCH CASE, THE OWNER OR OPERATOR MAY BE SUBJECT TO ENFORCEMENT FOR FAILURE TO OBTAIN A PSD PERMIT PRIOR TO BEGINNING ACTUAL CONSTRUCTION.~~

~~9. IF AN OWNER OR OPERATOR MATERIALLY FAILS TO COMPLY WITH THE PROVISIONS OF PARAGRAPH R.6 OF THIS SECTION, THEN THE CALENDAR YEAR EMISSIONS ARE PRESUMED TO EQUAL THE SOURCE'S POTENTIAL TO EMIT.~~

~~108. REVISIONS TO PROJECTED ACTUAL EMISSIONS. FOR A PROJECTS ORIGINALLY EVALUATED IN ACCORDANCE WITH PARAGRAPH A.3 OF THIS SECTION AND DETERMINED NOT TO RESULT IN A SIGNIFICANT NET EMISSIONS INCREASE, IF AN OWNER OR OPERATOR SUBSEQUENTLY REEVALUATES PROJECTED ACTUAL EMISSIONS AND DETERMINES THAT THE PROJECT HAS RESULTED OR WILL NOW RESULT IN A SIGNIFICANT NET EMISSIONS INCREASE, THE OWNER OR OPERATOR SHALL:~~

~~A. REQUEST THAT THE ADMINISTRATIVE AUTHORITY LIMIT THE POTENTIAL TO EMIT OF THE AFFECTED EMISSIONS UNITS (INCLUDING THOSE USED IN NETTING) AS APPROPRIATE VIA FEDERALLY ENFORCEABLE CONDITIONS SUCH THAT A SIGNIFICANT NET EMISSIONS INCREASE WILL NO LONGER RESULT; OR~~

~~B. SUBMIT A REVISED PSD APPLICATION WITHIN 180 DAYS REQUESTING THAT THE ORIGINAL PROJECT BE DEEMED A MAJOR MODIFICATION.~~

S. - AA.3.a. ... [See AQ246FS]

~~b. calculations of the baseline actual emissions, with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also AUTHORIZED emissions associated with startup, AND shutdown, and malfunction;~~

~~3.c. - 15.b. ... [See AQ246FS]~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February

1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:\*\*, \*\* (December 2005).